

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 10/15/21

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALONZA I. KNOWLES,

Plaintiff,

-against-

SAINT BARNABAS HOSPITAL, N&N
APARTMENTS, and CITY OF NEW YORK,

Defendants. :
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1:21-cv-2569-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

On September 30, 2021, Magistrate Judge Robert W. Lehrburger issued a Report and Recommendation (the “R&R”) recommending that Plaintiff’s claims be dismissed without prejudice. Dkt. No. 58. Plaintiff filed timely objections to the R&R. Dkt. No. 61. The R&R describes in detail the facts and procedural history of this case.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of receiving a copy of the report. *Id.*; *see also* FED. R. CIV. P. 72(b)(2).

When a party timely objects to a magistrate’s report and recommendation, a district court reviews, *de novo* “those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). But where “the party makes only frivolous, conclusory or general objections, or simply reiterates her original arguments, the Court reviews the report and recommendation only for clear error.” *Chen v. New Trend Apparel, Inc.*, 8 F. Supp. 3d 406, 416 (S.D.N.Y. 2014) (quoting *Silva v. Peninsula Hotel*, 509 F. Supp. 2d 364, 366 (S.D.N.Y. 2007)). “Further, the objections ‘must be specific and clearly aimed at particular findings in the magistrate


judge's proposal.” *McDonough v. Astrue*, 672 F. Supp. 2d 542, 547 (S.D.N.Y. 2009) (quoting *Molefe v. KLM Royal Dutch Airlines*, 602 F. Supp. 2d 485, 487 (S.D.N.Y. 2009)). The Court also reviews for clear error those parts of the report and recommendation to which no party has timely objected. 28 U.S.C. § 636(b)(1)(A); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008). “Where, as here, the objecting party is proceeding pro se, the Court construes the objections liberally.” *Brown v. Perez*, No. 13-CV-4615, 2014 WL 5343309, at *1 (S.D.N.Y. Oct. 21, 2014).

Plaintiff's objections are not specific or aimed at any particular findings in Judge Lehrburger's proposal. Such objections warrant only clear error review. *McDonough*, 672 F. Supp. 2d at 547. Still, this Court has reviewed Judge Lehrburger's R&R *de novo*, and finds it thoughtful and accurate. The Court accepts and adopts Judge Lehrburger's R&R in full. Defendants' motions to dismiss Plaintiff's claims are granted. Plaintiff is granted leave to amend the complaint no later than thirty (30) days following the date of this order. *See Ruotolo v. City of New York*, 514 F.3d 184, 191 (2d Cir. 2008) (noting that leave to amend is “liberally granted”).

The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 41–43, 48.

SO ORDERED.

Dated: October 15, 2021
New York, New York



GREGORY H. WOODS
United States District Judge